

Planning and Zoning Commission Meeting

Minutes of May 2, 2007

Work Session (1st Floor; Public Works) – 4:00 PM

The Commission and staff reviewed the agenda. There was some discussion about the steep slopes wording amendment.

Regular Session (1st Floor; Public Works) – 5:00 PM

Call to Order: Chairman Byers called the meeting to order at 5:06 PM.

Attendance:

Members Present:
Tom Byers, Chair
Steve Sizemore, Vice-Chair
Buzzy Cannady
Darryl Hart
Jerome Jones
Cindy Weeks
David Young

Member(s) Absent:
None

Mr. Byers called for action on the minutes of April 4, 2007. A motion by Ms. Weeks to approve the minutes was seconded by Mr. Sizemore; the motion was approved unanimously (7-0).

Mr. Byers reviewed the agenda and the public hearing procedures. He noted that the Main Street at Biltmore Lake and 641-A Brevard Road items were recommended for continuance to June 6, 2007 and that the River District amendment was recommended for continuance to July 12, 2007. He asked for any public comment; one citizen expressed appreciation that the River District amendment was to be continued. A motion by Ms. Weeks to grant the continuances was seconded by Mr. Hart; the motion was approved unanimously (7-0).

Agenda Item	
Consideration of Conditional Use Permit review for the project identified as Lowe's Home Center located at Smokey Park Highway . The request is for an ancillary use in a residential district for the construction of a new stormwater facility. PINs 9628.17-11-5850 & 0872.	
Staff Comments	Blake Esselstyn oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding outflow location and volume of runoff.
Public Hearing Opened	5:19 PM

Public Comments	
None	
Public Hearing Closed	5:19 PM
Commission Action	
Mr. Jones moved to recommend approval of the request. Mr. Cannady seconded the motion. The motion passed unanimously (7-0).	

Agenda Item	
Request to rezone a single lot located on Haywood Road from RM 8 (Residential Multi Family Medium Density) district to CB II (Community Business II) district. PIN 9638.12-86-6542.	
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He explained the relationship of the proposed zoning to an ongoing zoning study of the corridor.
Public Hearing Opened	5:24 PM
Public Comments	
None	
Public Hearing Closed	5:24 PM
Commission Action	
There was Commission discussion of the buffering, lot size, and timing of the change. Mr. Cannady moved to recommend approval of the request. Mr. Young seconded the motion. The motion passed by a 6-1 vote (Sizemore opposed).	

Agenda Item	
Consideration of the initial zoning of the recently annexed property located at 341 Rockwood Road to be zoned as HB (Highway Business) district. PIN 9643.02-65-9836	
Staff Comments	Shannon Tuch oriented the Commission and audience to the site location and provided the staff report. She answered a Commission question regarding surrounding zoning.
Public Hearing Opened	5:35 PM
Public Comments	
None	
Public Hearing Closed	5:35 PM
Commission Action	
Ms. Weeks moved to recommend approval of the request. Mr. Jones seconded the motion. The motion passed unanimously (7-0).	

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding **Creating New Standards for Gated Communities**.

Shannon Tuch reviewed the proposed ordinance amendment and offered alternative language concerning when a connectivity provision would apply. There was considerable Commission discussion about the clarity of wording in various sections of the ordinance. Mr. Byers opened the public hearing at 5:56 PM.. John Curry and Jake Quinn both expressed opposition to gated communities. Joe Minicozzi, representing CAN, presented a resolution encouraging City Council to not allow gated communities. Mr. Byers closed the public hearing at 6:01 PM. There was considerable Commission discussion about whether to recommend any ordinance that allowed gated communities. This discussion included the Commission's role in making such recommendations, the ability of the City to use its police power to address crime issues regardless of zoning requirements associated with gating, and property rights considerations. Mr. Sizemore moved to recommend approval of the ordinance with only the definition of what constitutes a gated community and that such defined gated communities are prohibited. Ms. Weeks seconded the motion. The motion passed by a vote of 6-1 (Cannady opposed).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville to **Establish New Level III Review Exemption and Threshold Adjustments.**

Scott Shuford reviewed the proposed ordinance amendment and clarified that the "Next Steps" pages included in the Commission agenda packets were not associated with the current ordinance. Ms. Weeks requested clarification of the "best management practices" language and suggested the addition of a "Community Building" component to the menu of goals; she elaborated on what specifically she was after – public use areas within developments to encourage neighborhood interaction. Mr. Sizemore requested clarification of what was meant by a "green roof." Mr. Shuford agreed that several terms needed definitions. Mr. Byers opened the public hearing at 6:48 PM. Joe Minicozzi, representing CAN, expressed opposition to the ordinance, then raised questions about the Community Building component, discussed the need for definitions, asked if the benefits justified the costs, and suggested a two-minute walk to a bus shelter requirement. Mr. Shuford asked for clarification if he was opposed to the ordinance or wanted to see it move forward with changes. Mr. Minicozzi indicated that as a certified planner, he wanted the ordinance adjusted but as CAN president he was opposed to the ordinance in concept. Jake Quinn expressed appreciation for the intent of the ordinance but raised concerns about the size of projects allowed. He requested some comparables to be able to ascertain the scale of impact. Mr. Byers closed the public hearing at 6:58 PM. There was considerable Commission discussion about the fact that the ordinance addresses uses that were already allowed under the existing zoning, TRC-level public involvement, the need for definitions, and the uncertainty about specific proposed changes. Ms. Weeks moved to recommend approval of the ordinance subject to the addition of definitions for "green roofs" and "best management practices," clarification of the specified building standards in the presentation to City Council, and the addition of a modified version of her proposed "Community Building" category. Mr. Jones seconded the motion. The motion passed by a vote of 6-1 (Byers opposed).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville to **Provide for Cottage Developments as a Use by Right Subject to Special Requirements in all Residential Zoning.**

Scott Shuford presented the staff report and answered Commission questions about unit size and density.

Mr. Byers opened the public hearing at 7:17 PM. Alex Mawhinny expressed an appreciation for the concept and suggested that unit sizes not be penalized for having attached garages. He noted examples of such developments in NC. Joe Minicozzi, representing CAN, expressed concern about the application of the ordinance to the RS-2 district, wanted some testimony added about density, and felt it was a great concept. Mr. Byers closed the public hearing at 7:22 PM.

Mr. Cannady expressed a concern about applying the ordinance in RS-2. There was considerable Commission and staff discussion about the benefits of the ordinance, unit sizes, attached vs. detached garages, separation requirements between cottage developments, and roof pitch.

Mr. Jones moved to recommend approval of the ordinance with the following changes:

Exclude the penalty for attached garages by increasing unit size to a maximum of 1,400 square feet total with a maximum of 1,200 square feet on the ground floor, apply the use only in RS-8 districts and above, establish a minimum roof pitch but not a maximum, require a 1000 foot radius separation between cottage developments, limit accessory structures to detached garages and community buildings with a maximum floor area of 800 square feet and a maximum number of 60% of the total number of cottage units.

Mr. Sizemore seconded the motion and it carried unanimously (7-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding **Changes to Parking, Loading, and Access Standards.**

Shannon Tuch presented the wording amendment staff report, noting that it was intended to address concerns raised by the Board of Adjustment. Mr. Byers opened the public hearing at 8:12 PM. Joe Minicozzi, representing himself and not CAN, provided an illustration of a sight triangle situation and noted the need for considerable discretion on the part of a credentialed engineering professional in applying any sight triangle regulation. Ken Putnam, City Traffic Engineer, noted that sight triangles were governed by ASHTO principles and that while he was continuing to research the issue to find the best balance between vehicular and pedestrian visibility, he supported the proposed ordinance. Ms. Tuch read suggested wording that allowed sight triangles to be determined by the traffic engineer. Mr. Byers closed the public hearing at 8:22 PM. Mr. Sizemore moved to recommend approval with the amendment suggested by Ms. Tuch. Mr. Jones seconded the motion which carried unanimously (7-0).

Mr. Shuford noted that there was no need for a mid-month meeting.

The Commission meeting was adjourned by consent at 8:25 PM.